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LETTER

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Stiff in Opinion, always in the wrong.



И О Д И О

Printed for J. Williams, at No. 48. next the

White Tavern, in Fleet-Street.

И. И. К. А. С. О. М.

S I R,

YO U will be surprized perhaps at the receipt of a letter, after so long an alienation of connections. You must place it to the idleness of the country, and to the wantonness of holiday time, as I certainly have given up the rights of old acquaintance, and am not interested to question you for your late publications. Indeed every man is *now* at liberty to print what he thinks proper. You may come forth (if you like it) in a tye and in quarto, while your secretaries appear with bags and in octavo. And you may put what price you please upon your several exhibitions; three and sixpence, three shillings, two shillings, or even one shilling. No body is obliged to pay that does not choose it. The whole is very fair.

If you find any entertainment in note taking, commenting and writing for the public

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lic, when you cannot talk to them, I do not begrudge your employment, and I see no harm in it. For, altho' one be frequently obliged to bear with a speech of three hours, on a thimble full of matter, yet no body is under a necessity of undergoing the perusal of the same thing in print.

It has been, however, my misfortune to be at the villa of a friend, during this short recess, where nothing but news papers, pamphlets or cards can be had for the amusement of a bad day and long evenings. By which means I have read three or four late pamphlets, that I should otherwise never have looked into, and now (as I understand they all came from you or your penmen) I shall by way of revenge (to use a card playing expression) as well as to fill up the remainder of my time, send you some animadversions in a loose, epistolary way, with little method, and with all the freedom of political colloquy. My style, perhaps, you will not relish; but I do not think you ought to wonder at it, for few men can endure repeated perseverance in exploded errors and much dull abuse, without rising up indignant at last, and being petulant in return. And yet I thought I had reined myself in as strongly as I could, knowing how provokingly long, and unsatisfactory you would be, that is, how very like the late unfortunate harvest, plentiful in straw, but light in the ear. Nay, I knew you well enough to guess where the envy and the fretfulness of your temper would

would lead you. Nevertheless, I could not have conceived you would have touched some of the matters you have. Surely the appetite of the public or your own interest, could never be sufficiently considered at the time, with the assistances you are said to command; some better topics might have been found out. Your sinecure Newfoundland secretary might bring the political tittle-tattle or gleanings of coffee-houses to your ear, whilst your treasury secretary was hunting out apposite passages in history, or classical ornaments in antient authors. At night, the occurrences of both might be submitted to your revision, and thence you might afterwards indite somewhat that was palatable and fit for your private secretary to fair copy for the town.

But here I should inform you, that many people shrewdly suspect the brain of one of your helpmates (the *German* considerer) to be somewhat affected, and therefore you should examine a little into the matter, before you rely very much upon his pen. Perhaps he is only overloaded with vanity (as might very well happen to a Blackwell-hall factor) from accidental repute as a writer. But it is certain, that the little busy animal is of late years become wonderfully pert and impertinent. Now (what is very odd) between you and me, many people conjecture, with respect to his memorable production, that he was no more the genuine father, than old *Colley Cibber* is said to have been of the *Easy Husband*, and for the same reason; namely, the utter

unlikeness of all the rest of his known and avowed progeny. In truth, I have heard that in his political trade he set out as a dependent on the retainers to a famous old lawyer, (who you may remember) was long the head-piece of a rotten junto, that constantly endeavoured in private to depreciate the eminent services of the great minister they were publicly acting with, and therefore clandestinely retailed to proper emissaries whatever might contribute to so honest, laudable and national a purpose. Your run-a-bout scribe was much at their heels, and although he now figures with a sword and bag, was then but the humblest of politicians, and dressed in the plainest of habits, as became a poor simple layman who had but just quitted the pulpit and tub. His pen being vacant, and itching for employ, he put together, as it was guessed he would, whatever was purposely dropped at proper times, and with convenient discretion by these retainers to the old lawyer and junto. This he did (to give him his due) very well upon the whole, with here and there *une maudite phrase pourtant et des redites ennu yeuses*. But it so happened, that a change of the ministry fell out, before the impression of his well intended piece could be finished; so that when it came out, it served quite another set of men, that in its embryo were not in view, who instantly sought out the editor, and with transport caressed and rewarded him. The good luck of this scribbling ear-wig was really uncommon; for (if I mistake

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take not) the crafty original designer and formentor of the factious work would never have avowed the knowing aught of the matter, and have only fed the officious writer with kind gracious looks now and then, and some casual passing civilities as he fell in his way. However, the visible favours and open protection of the new ministers, with an admission to their persons and tables, being too strong for the head of your friend, quite overpowered his small senses, and (what is most strange to relate) converted at once a speaking obscure conventicler into a fine gentleman and tory, in which sphere he has flourished ever since, noisy, petulant and public, and officiously exhibiting in the lobbies of either house, at court, in coffee-houses, and all other places of common resort, the strongest living example to be met with of *the great importance of a man to himself*. Therefore before you intrust him again, implicitly with state papers, have a consultation upon the state of his brain. You may hold it upon *the next 30th of January*, as that is a day I am told concerning which he has some particular conceit.

Let me advise you further, and above all things, as you want popularity yourself to a very unusual degree, to get a popular topic; and withal to acquire if possible a right conception of the temper of the times, before you venture to call upon the public for their regard and attention. It is not industry or inclination you stand in need of, for this purpose, but a sound discernment. Perseverance is an
 useful

useful quality; but when bestowed on a
 wrong scent, only carries a man further out
 of the road, and is really so much sheer ob-
 stinacy wholly lost and thrown away. This
 you do not seem to be aware of. Besides,
 there are certain subjects which you should
 never touch upon, such as liberty, property,
 America, Spain, Portugal. The very men-
 tion of them recalls a long train of ugly ideas,
 which are very forbidding in their nature,
 and will forever revolt all Englishmen from
 you, whilst any notion of a constitution re-
 mains, or the smallest idea of national, com-
 mercial interest subsists. We wish never
 more to hear of the laws of our country being
 kept at bay, nay set at defiance, during a
 whole administration; nor of our trade with
 our colonies being at a stand; nay, exposed
 to a civil war for the sake of a pittance of re-
 venue; nor of the inlet of foreign bullion be-
 ing stopped by new constructions of the letter
 of old acts of parliament, on narrow custom-
 house ideas, to the irreparable loss of the
 whole aggregate state. When a man is desir-
 ous of running down others, he should avoid
 reminding the world of his own misdeeds.
 Things of an heinous nature make a strong
 impression whilst they are passing, and are a
 long while burying in oblivion. Nay, thanks
 to our *annual registers*, they afterward become
 objects of reflection in one's study. It is not
 long since I read there of a time, when a head-
 strong minister for two years together, that is,
 during the existence of his administration,

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maintained a most unrelenting warfare, not only with the trade, but with the laws of his country ; insomuch that mens hearts failed them for fear, and no judge would venture to intimate his opinion upon the clearest of points, excepting one bold assertor of the liberties of mankind ; until at length a change of ministers took place ; and then those, who were *prudentially* mute and acquiescent before, became the forwardest and most officious in pronouncing how illegally the wretched ministry, so lately discarded, had acted. Their terrifying warrant was every where proclaimed to be no warrant at all, and that there never was a doubt about the matter. And as I read on, I found that this very minister, the inflexible supporter of the infringement of the laws of the realm, who would not yield an inch to them, or the united voice of his countrymen, whilst armed with power, the moment he felt himself falling and deserted by the court (being circumvented and intangled in some regency bill, as it was said) although avowedly opposed but by a mere private man, yielded, gave way ; nay, licked the very rod that corrected him, with all the submission of the poorest, the meanest and most servile of human creatures. So natural is it for cowardice and tyranny to unite in the same breast, and for obstinacy against the people to consort with absolute resignation to the crown, that is, sordid self-interest to prevail, where the constitution and patriotism have made no impression at all. What a noble champion for liberty

berly must such principles make! how popular with mankind! how happy in himself!

A quarto pamphlet on matters of calculation may do well enough, perhaps, to prove that the writer has busied himself about figures, is able to cast accounts, and may make a diligent and useful first clerk or deputy to a money board; but will never evince the compiler to have a genius sufficient for directing the commerce of a great trading country, or to be capable of deciding upon the manifold interests of a mighty dominion. Men who are critical about pounds, shillings and pence, are very rarely persons of large thoughts, or of very extensive views. Their mind is so cramped by the detail of common things, and by small attentions, that they generally neglect objects of more consequence, and are in fact what the vulgar very properly phrase, but penny wise and pound foolish.

As chance would have it, I fell first upon two pamphlets about dispensing powers, with mottoes drawn from a late adjudication of a later speech; I was very averse from reading these fugitive writings on the primary view (although I had nothing to do,) being perfectly satisfied as an individual, like every body else, both with the embargo and the act of indemnity. However, as I must otherwise have cut in, I even set about it. But I now most heartily blame myself for my misjudgement, because I should certainly have been more entertained by any sort of game, as I really learned naught from either of the pieces, but that some people at present out of place were

were therefore very angry and had been making much ado about nothing.

Indeed as men of unclear heads when they attempt to reason abstrusely, or enter into the nice distinctions about principles of government, usually get out of their depth before they have done, and talk nonsense and misrepresent where they least intend it; so I found this was the case with these scribblers. One of them for instance advances that "*salus populi suprema lex* should be applied to justify the act, not to authorize the power," and that the ministry should only have attempted "to justify upon the circumstances." Now, in a legal sense, or in a court of law (to speak like a lawyer) you can *justify* nothing but what is authorized by law, and whatever is so you may always justify. If what was done therefore could upon the circumstances be justified, the power ordering it must have had a legal authority, and consequently no act of indemnity be necessary; which I presume nevertheless was not precisely the meaning of the pamphleteer, provided he had a glimmering of what he undertook to write about. For, an intelligent writer would have said, that there was no lawful power existing, which could authorize an embargo or prohibition to export, whilst the act of Charles the II^d. was in force that declared every such prohibition to be null; and therefore the royal proclamation which did, notwithstanding that statute, prohibit exportation, was a violation of the positive law of the land, and consequently neither that, nor

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what was done under it, could be justified upon principles of law by any means whatever. He might then have stated (and, if he could, have refuted) the doctrine of a great and extraordinary man, (which I can tell him has many supporters among the warmest advocates for liberty ;) namely, that the king of this country has ever been invested with a prerogative during the intervals of parliament to lay embargoes in case of famine or other *natural necessity*, although in no other case whatever ; that such a power must exist at all times, in all governments, somewhere, it being essential to the preservation of a state ; that in this constitution, when there is no parliament met, it must from necessity be lodged in the executive hand of the government, that is, in the king ; that this power can never be misapplied, because no man can be deceived about facts like famine, pestilence or fire ; that a jury will always be competent judges whether these natural necessities existed or not ; and that the statute of Charles II. never had in contemplation the taking away a prerogative so essential to the general weal, which derives its force, and an irresistible one, from human nature itself, and is acknowledged by all the allowed writers upon the laws of nature and nations and the universal principles of government ; for that this statute was aimed only at the prohibitions and licences (which used to be formerly granted from time to time on commerical views, as mere political regulations, to particular persons, ports, and districts,) and

and was enacted on purpose to establish, upon larger ideas of trade, a general right of exportation for the future, in every body, and every place, and at all times; but never was intended to touch or take away from the king, in such great natural emergencies as dearth and famine, the prerogative of saving his people from starving, by the laying of a sudden embargo on the necessaries of life. When your scribe had succeeded so far, he might have gone on to try his talents at confounding, misreporting, and calumniating the sentiments of another noble person (whose free spirit by the bye, whenever it crosses your way, I perceive makes the very teeth gnash in your head, from a well known cause.) This bright character he might endeavour to blacken for maintaining that positive laws themselves must give way, like every thing else, to natural necessity; for using the words of our law-maxim, *necessity has no law*, that is, cannot be bound or restrained by any, it implying indeed a contradiction in terms to suppose that it could, because if it could, it would cease to be necessity. And where the salvation of the people clearly depends upon the breach of a law of police, if the minister at the helm, should, notwithstanding, obstinately refuse to transgress a statute, they would have a right to impeach him as the cause of all the detriment that should ensue; *salus populi suprema lex* being the primary principle of union in society and the very basis of all civil government. In fact, this doctrine has been an

be acted upon in times of real necessity. It is true, nevertheless, that the legislature in all such cases should be assembled, so soon as conveniently may be. And this was done now; so that the tyranny (if power exercised for the good of community may be so stigmatized) or the *lent* of liberty (as this embargo *to prevent* real fasting has been called by a trope of Hibernian rhetoric) could last but 40 days at the utmost. Such a dreadful calamity as famine through the land, notified by the addresses of the several corporations, can never be misunderstood or mistaken. Whatever is done to stop it, all mankind will allow to be well done, to be right and just; every jury and every judge must do the same, and the parliament itself, if called upon, will be obliged by express statute to justify the same; not as a favour, but *ex debita justitiæ*. I do not contend for any latent prerogative or *arcanum imperii*, which impowers the king to suspend or dispense with law; but I insist that absolute necessity does in all cases carry its own justification along with it, because in the nature of the thing it implies a want of choice, and that nothing else could be done *salva republica*. And by the way too, upon what principle is it that we have so un-animously concurred, in declaring it was *right* his majesty should lay the embargo; all of us knowing it at the very time to be contrary to statute; unless upon this principle, that the *salus populi* required it, which, as the great primary law of nature making a part of the law

law of every particular state, or political convention of men, is a *suprema lex*, paramount every positive municipal ordinance whatever, and by taking place in the hour of distress, and natural necessity, suspends, supercedes, dispences with, overturns, and bears down all human regulations before it. In a word, necessity must and can only be a law to itself. To talk of our constitution, knowing no such principle as the *salus populi*, is to cast the highest imputation upon it, and to say it is defective in the necessary means of salvation, adopted by the universe besides. I am sure, if we have no such principle in our government, we ought immediately by statute to import and incorporate it. But we have it. Besides, where all men agree in an absolute necessity of breaking a statute, who is to complain of the breach of it? and if so, where is the call for a special law to indemnify the action? Yes; but may some *Thersites* say, there are who do and will complain of the actors; and had they at the time been resisted and killed, I can tell you such killing would have been justifiable in law. Why, then I say *Thersites*, if there be such orators, although I protest I never heard of any such but from you; I have no objection to their having the legislative indemnity they pray; for my own part, however, I crave no such mercy, I am not cowardly enough to intreat or solicit any indemnification whatever. If the representatives of the people find a statute to be requisite, they will without question bring in a bill for the purpose. But, as to those

those who advised the measure, they can only be prosecuted by impeachment; and shall we suppose that the parliament, who have already approved the proclamation, by addressing the king to issue another for continuing the very embargo originally laid, will vote for such an impeachment? What a reflection does the mere suggestion carry along with it!

Some of your friends, however, as I hear, not content with endeavouring to cavil at and disparage the words, when they could not blast the actions and conduct, of the eloquent lawyer, alluded to, would fain also have found fault with the language of the great minister, his noble friend, as if he had insisted upon the strict legality of the embargo. Inasmuch, that I am told he was obliged to contradict them by saying in so many words he thought the proclamation illegal, and had never called it legal: but, that he thought it right, notwithstanding, as he perceived every body else did, even the captious gentlemen themselves, upon that great superintending principle of all government, the preservation of the whole. It was wonderful therefore that heat should arise, when there were only shades of difference among the deliberants! Especially as Mr. Locke himself (that memorable vindicator of the oppressed rights of mankind, the ablest of reasoners, and the foremost of writers upon civil government and the general principles even of our constitution; whose name, now, by the pure effect of his arguments, is grown
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into authority with all free states): where he considers the genuine idea of prerogative, and its true original and ground, abstracted from the positive laws of particular countries, lays it down that "being nothing but a power, in the hands of the prince, to provide for the public good, in such cases, which depending upon unforeseen and uncertain occurrences, certain and unalterable laws could not safely direct: whatsoever shall be done manifestly for the good of the people, and the establishing the government upon its true foundations, is, and always will be, just prerogative. Whatsoever cannot but be acknowledged to be of advantage to the society and people in general, will always, when done, justify itself. For the legislators not being able to foresee and provide by laws, for all that may be useful to the community, the executor of the laws having the power in his hands, has by the common law of nature a right to make use of it for the good of the society, in many cases, where the municipal law has given no direction, till the legislative can be conveniently assembled. Nay, it is fit that the laws themselves should in some cases give way to the executive power, or rather to this fundamental law of nature and government, viz. That as much as may be, all the members of the society are to be preserved, the end of government being the preservation of all." The king therefore in the present case, as having the powers in his hands, was upon the principle of that common law

of

of nature, the good of society, advised by proclamation to prohibit, what the municipal law permitted, until the legislature could be conveniently assembled; and this was summoned to meet much earlier than usual. The advice is approved. But, it is said, the parliament might have been sooner assembled. Now I beg leave to insist, it would have been highly incommodious to members, and dangerous in example to have summoned such meeting instantly, because few could then have attended, and by such a precedent (with previous indirect notice to those in the secret) some future prince might hereafter get any act approved or passed that he might desire. And therefore it is that Mr. *Locke*, who had revolved such exigencies much in his thoughts, very wisely concludes the executive authority must make use of the power in its hands, until the legislative can be *conveniently* assembled. Where fire, pestilence and famine come upon us, there can be no danger, and there is a propriety, in the exercise of this power. By the bye, the denial of hunger to be a natural necessity, and the casting it into the class of political necessities, is such an abuse both of words and things, as will never mislead the world, let what logical law-craftsman soever attempt it. No sophistry can argue down the feelings of mankind, or make them believe that an embargo for the prevention of famine to the republic, is like the levying of ship-money for the purse of the monarch. It amazes me to hear an actual

dearth

dearth denied to be a matter of fact, and treated as the arbitrary conclusion of political reasoning. For, though probable or future scarcity may be the object of speculation and cannot be ascertained, yet present famine is a reality, and must be capable of proof. Men, therefore, are not to be cheated out of their senses, with such fallacies as these, by the cunningest arguer among us. Indeed, had the embargo been issued at the meeting of the first council, when there was merely a scarcity, and but a probability of dearth; it must have been issued upon political speculation and without necessity; and, let me add, had a summons also, for the parliament to meet, then gone forth, it would have frightened and alarmed the public exceedingly, without any sufficient cause. But, when the last council was holden, a famine had begun and stared mankind in the face, the prices of markets and the addresses of corporations concurrently and unquestionably proved the fact; there was, therefore, in that moment, a *natural* call for an immediate embargo, nothing else could answer the exigency of the case, it became indispensibly necessary, and the same reason likewise justified, and nothing less would, the convoking of the whole legislature, so very much earlier than has been usual, in times of tranquillity, allowing with all due space for distant burgesses (the Scotch and the Cornish) to assemble.

The embargo, I avow, was contrary to law, but it was layed *pro salute populi*, and

therefore it was just; for, in cases of natural necessity, the good of the people must be the *suprema lex*, express yourself how you will, or talk as long as you please about the matter. The parliament are the proper judges of extraordinary acts; they have been called as early as convenience would admit, to judge of the present. The embargo has been only extended to the time of their assembling, and now that they are assembled, the whole is submitted to their supreme controul. Every thing has been done with a reference to parliament. We are here for their judgment. Let them give it.

In truth too, I am informed, after all, that the principal minister in the house of commons, moved for the indemnity bill himself, and beseeched your friends to word it as they liked, for the clearer and more express it was, the more it would suit his principles; and that thereupon, like true political opponents, they gave up the matter, and left him to do as he thought proper; altercation and not public good, being the whole of their aim. Nay, I hear farther, that meeting you in a large company afterwards, you took occasion, as usual, to make a very long speech upon this very short bill, wherein you first supposed many things, and then entered into a long discussion of possible inconvenience and detriment accruing from them; but that so soon as you had done, the polite minister smiled, and said briefly, truly they were not his ideas, nor those of his friends, which you had been com-

combating, but mere chimeras of your own; and *be* therefore *supposed* you had given yourself so much agitation merely for amusement and to keep yourself in wind; and if so, he hoped the exercise would do you good; he was sure what you had said would do him no harm: and that thereupon, for once in your life, you were laughed into silence. I am persuaded, my old acquaintance, unless you are much altered, you must have been greatly mortified that you could not raise a dispute.

Now, for my own part, where men have struck a bold stroke to serve the public, and in fact done what every body declares to be praise-worthy, although out of the pale of the law, I cannot be scanning every word they may chance to utter. Nay, what we all agree ought to be done by the prince, one can hardly blame any man for saying he had a right to do. And in actual dearths during the interval of parliament, we even hold it the sovereign's duty to suspend the laws of exportation, convening the houses however with all due speed. Now if this should always be done during recesses, seeing no other method can be immediately taken for the relief of the people, it seems to be little more than a dispute, about words, whether the king has or has not a prerogative for so doing. No body can seriously think that liberty can be endangered by such a power, limited as it is to the case of famine and to the intervals of parliament; because it can never be exerted, but in aid of the subject, and will not enable a

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prince

prince to raise either money or troops to enslave him. I am sure, at least, upon such an event, it would be very unbecoming a lawyer in high station publickly to proclaim to fore-stallers and cornfactors, that notwithstanding a proclamation, they might legally and by force export, and that if in so doing they should kill those who endeavoured to prevent them they might be justified by law for the deed. For, such doctrine can only be flung out with a view to do mischief, and not out of any regard to liberty, or magistracy; or to the wants of the multitude, or to the order and stability of government.

Nevertheless I do not dislike an act of indemnity, and particularly upon the present occasion, as it will remain upon record the strongest possible test of the necessariness of parliament to the ratification of every act of state, however beneficial and meritorious, however needful; that it is the privilege of *Englishmen* to be bound only by *express law* and that nothing can be absolutely valid without it. It will demonstrate to posterity that our courts of justice are to listen to nothing but positive law; that general arguments of just and good, the virtue of the best of princes, the wisdom and reputation of the most approved minister, the authority of an unanimous privy council, the applause of all ranks of men, the prayers of the multitude, the horrors of natural calamity, the voice of human nature itself, I might say, the visitation of the Almighty,

mighty, are to have no influence on an *English* judge when delivering the law of the land.

Upon reflection too, I can easily conceive a positive written law will be more obvious to the capacities of ordinary men than the general principle of *natural necessity*; and what is still of more consequence, be less liable to the perversions of crafty and designing statesmen. And yet, I believe most men will admit, that plague, famine, and fire are attended with such strong outlines, as not to be easily confounded with the pretended political necessities of ministers however refined by supple and qualifying lawyers. Nevertheless, as there have been men of this last description who have lent their consciences and their arts to uphold and to justify *on the circumstances of the case*, (that is, on the practice of political offices,) the most flagrant, cruel and unnecessary breaches of the law in violation of personal liberty; and as there have been others of a superior sphere, who have striven to prove actual want and famine to be a political and not a natural necessity: so there may hereafter arise again gowns-men of aristocratical principles and birth, who may at a pinch be ready to maintain any state expedients of the day to be natural and not political necessities. For these reasons, and not for the sake of the present harmless occasion, I shall cherish this retrospective statute that commends and countenances, as well as indemnifies the public-spirited transaction which hath furnished the whole of this discourse.

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The attempt to abuse any ministry for preventing a famine, in spite of a statute, is really (as one of your own friends humorously confessed) much like the impeachment of Gulliver for extinguishing a fire in Lilliput palace, by doing what was contrary to law. Mens heads must be wrong before they think of gaining popularity by such accusations. I must therefore once more repeat, that the saving a nation, notwithstanding a contrariant act of parliament, is not, nor ever will be a crime in the eyes of the people. Dear G—, it is not like a minister's breaking the law to arrest and imprison one of their representatives, to seize all his private papers, and to strip him of parliamentary privilege, upon the mere suspicion of printing a libel. Upon my word it is not like locking up a man's person in jail, and debarring him pen, ink, paper and friends, upon no other ground than that of the attorney general's having called him a libeller, for lashing an odious ministry. There is no natural necessity for the dispensing with law in order to do these things, in any country, at any time; they are mere political feats and achievements, or (if you like the term better) state-necessities, that is, the mere creatures of wilful, ignorant, wounded statesmen. Any man that runs will see the difference. In short, you should learn to distinguish between things before you throw away much time in talking about them. What is done for the salvation of the public, is not like what is done for the ruin and oppression of individuals. Abuse in words, whether
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from the mouth or pen, upon three or four ministers, is not a national calamity like the want of bread, the world can go on notwithstanding; nor is it a fact so readily assented to, or so easily proved. Mens feelings do not co-operate universally in the one case as in the other. There is not the same human sympathy. Therefore when I hear men calumniating ministers for suspending laws in order to do good to mankind, as if they had suspended them for the purpose of revenging personal quarrels in a manner not permitted, by law; and recollect that those who labor to raise the outcry were the very actors of such enormities, I protest it only aggravates the badness of their public characters, and makes one more easily give credit to the worst that ever was said of them. And, take it from me, G——, the white-livered envy of a sunk minister, pining after the emoluments of office, will never produce any formidable opposition. Nay, I am inclined to think, that the sickly spirit of jealousy, however it may put on for a moment an uncomfortable smile, is only a torment to itself; for, by militating with equal fury and rancor against good and bad, against all that is proposed of every kind, it shews its own unhappy temper, defeats its purpose, and revolts every beholder.

In reality, there is as much apparent principle in such conduct, as there is of truth in a man that, after having got from the favor of the crown a peerage and a post for life, of £.5000 a year for himself, and a splendid employ,

ploy, with an appointment of £.4000 per annum for his nephew and heir at law, &c. &c. can publicly declare he has no place, pension or reversion: and the one is I think a proper support to the other. They make upon any occasion a graceful alliance and very good companions, as pictures of patriotism, to hang or (if you like that better) to *lie* together, in the political way.

But, now G——, let me say a word to your elaborate pamphlet upon the stamp act; the single unfortunate essay of a late minister in his late celebrated province of financiership. And here, *in limine*, I ought not to conceal from you what the world says——it comes too late, it should have accompanied the funeral procession wherein you make so admirable a lugent figure: besides it is too dear, and too tedious. A man must, in truth, like myself be sadly put to it, before he can go through a thick volume on such a subject. The author may perhaps have sung to himself this ditty, *his saltem accumulalem domis*, forgetting the *fungar inani munere*. I declare I could hardly keep open my eyes in reading it, and the only thing that excited my surprise was, how the devil two or three tolerably smart quotations should have found their way into the book. I know you had no taste for these *lumina dicendi*; and as to your *Newfoundland* spaniel, the little *German* confidurer, I think such gaieties could never issue from his squeaking pipe; and your other
secretary

secretary is too pompous for levities like these; he is above being witty, never deviating farther than historical parody at the most. In fact, some light-headed fellow, that by mere accident lit upon this large heavy piece whilst it was kneading, must have flung in these two or three grains of salt, at a time when the serious maker was himself busied about some collateral matter, perhaps tying on the appendix.

Altho', I confess, I got through the whole at last, yet I shall not put down all that occurred to me in the perusal, having no right to tell *the public* as you do, that they *should bear, at least whilst I plead*. Indeed, I shall content myself with taking things as they stand upon your own representation; as it seems to me, notwithstanding the unfair and partial state of the evidence, that enough is disclosed by the writer to furnish an answer to himself.

I shall first observe, that the number of men we paid for the defence of America during the war, or the expence we were at, is no more to be placed to its sole account, than the charges we may sustain in any war occasioned by a particular branch of trade is to be layed upon that. War is a general burthen, whatever may give rise to it. And we certainly thought the great trade carried on between England and its plantations in America, so much for the benefit of the former that no expence was too great to support it. Indeed it was allowed to be of more worth to us than all the trade we have with the whole world besides.

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Indubitably it is a principle of government that "support is due in return for protection" (that is) in liberty and property. But in the present instance we really protected our own trade by protecting the colonies; besides they *did* contribute largely to the maintenance of the war, and *do* so to the expence of government. But, if it were reasonable that they should bear more of the burthen, it would have been but fair to apply to them for such contribution in the usual and accustomed manner.

The quantum of the tax is not the object of consideration upon this head, "whether it be half a day's labour or not; nor whether the advantages derived to the Americans from two or three bounties given to them on two or three articles, or the increase of the establishment there, will enable them to support the new impositions." But whether the *British* parliament or their own assemblies should lay the tax.

Nay, the foregoing positions, whether true or not, will not prove the propriety of the tax itself; for, altho' the sum to be raised were moderate, yet the manner of raising it, and the particular things and people from whence it was to be raised, might be injudicious, improper and inadequate.

Seeing our legislature have declared our right to bind *America* by all sorts of laws, I shall not now question the foundations of that right; but, the propriety of exercising it, as

of late, is still open to consideration, and whether it should ever in prudence be recurred to but in the last resort.

Now, it was known that many prejudices (if you will call them so) were entertained by the *Americans* against this power, so that the ministry could have no doubt but that the attempt to put it in use would be odious if not dangerous.

The *Americans*, as descended from *Britons* and communicating perpetually with them, have always fancied they were entitled to the same privileges, and amongst the rest to that of taxing themselves; in short, from considering themselves as unrepresented in the *British* parliament, and that the rights of taxation and representation are inseparable, they have regarded their own assemblies as established in its stead, and therefore as one of the corner stones of their constitution.

Now this I do not much wonder at; for, excepting one great lawyer, I never heard any man declare that the "principle of representation neither is nor ever was a principle of our government;" and this declaration too carried the less weight with it for being accompanied with another, that "*Mr. Locke*, in his treatise on government was the first person who started the notion, which treatise was a mere political pamphlet of the time wherein the writer considered what should be, and not what was the constitution of this realm." Such doctrine moreover could not

be supposed sufficient to satisfy the *Americans*,
 seeing our statute book, and a multitude
 of writers evince the contrary. In fact, the
 notion of every man, who has any property,
 having a share in the legislature of the coun-
 try, by himself or by his representative, is un-
 deniably evident in all the gothic constitu-
 tions; and (to say nothing of the old *Britons*
 who had certainly their *conventus*;) it appears
 among our Saxons in their *witenagemot*, and
commune or *generale consilium regni*, and also
 among the *Normans* who succeeded them. In-
 deed " legal and lasting property can never
 " be ascertained in any community, unless
 " each particular member, or at least each class
 " of men, have either by themselves or proxy,
 " some share in the legislature; for, every man,
 " in his deliberate proceedings, does naturally
 " regard himself and only collaterally others,
 " as their interest or concerns are interwoven
 " with his own. Such then that are not
 " immediately in person, or mediately by their
 " representatives, some way concerned in the
 " making laws will be most assuredly oppress-
 " ed. When the *Saxons* first settled here, they
 " regarded these two things, (1st.) that the
 " whole community should be consulted in things
 " of moment (2d.) that an order amongst them
 " should be established upon tenure, for in
 " this their safety, in regard to outward dan-
 " ger consisted. *William* the Conqueror (who
 " only made some small changes in the forms
 " and in the possessors of things) settled the
 " force

" force intirely upon the land, by way of
 " service, and those lands were in the hands
 " of the Barons. The then scarcity of money
 " admitted of small or no impositions, the
 " rents being payed in provision. For which
 " reason it is probable the great men only,
 " who had the land, were for some time
 " after the conquest consulted, as being the
 " only persons that contributed to the public
 " by their services. But afterwards, as per-
 " sonal wealth increased, others being able
 " to contribute, although they had little
 " or no lands, were likewise consulted.
 " And from these and such like reasons, it is
 " probable the towns were first summoned to
 " consult about the common affairs, and to
 " give their assistance to the common charge,
 " and thereby ease the land that was burden-
 " ed with services. And perhaps from the
 " same reason, the sole right of giving money
 " came gradually into the hands of the com-
 " mons; for, the great men, being in pos-
 " session of the tenures performed their per-
 " sonal services which were annexed to their
 " tenures, and so it is probable in those early
 " times contributed nothing in money (unless
 " they compounded with the king for their
 " services,) whereas the commoners, having but
 " little land or no services, contributed money.
 " And as the wealth and power of the com-
 " monalty increased, and so the nature of
 " the government gradually changing, they
 " became the sole givers, (as they were the
 " first)

“ first) of the money. For all *private persons* hav-
 “ ing a *property* in this constitution (excepting
 “ such as held in villanage of the great men,
 “ what was theirs was not to be disposed of,
 “ without their consent; for which reason
 “ whoever was taxed was someway consulted.
 “ And from the same reasons, the represen-
 “ tatives of the towns, in process of time, came
 “ to be so multiplied as to make four-fifths
 “ of the house of commons; for, the barons,
 “ which were the greatest proprietors in the
 “ land, were a distinct body. But under the
 “ reign of Henry the seventh, the circum-
 “ stances of the kingdom by trade and personal
 “ wealth being greatly changed, and the au-
 “ thority of the commons greatly increased,
 “ they were by virtue of his laws let into
 “ the land. And this affords us a hint how
 “ it came to pass that in our government the
 “ number of representatives of the great
 “ towns so far exceed those of the land or
 “ counties in the House of Commons. For
 “ the wealth being in those early times for the
 “ most part personal, which was possessed by
 “ those who traded and so lived in the great
 “ towns, and these being to contribute to the
 “ public charge, were therefore consulted.
 “ Whereas, the greatest part of the land, be-
 “ ing in the hands of the barons, who ap-
 “ peared in their own persons in these assem-
 “ blies, and who were obliged by their
 “ tenures to services, there then seemed not

“to have been required many representatives
 “for the land.” But be these matters in
 antient times as they will, it is clear that the
 very preamble to the first statute of James the
 1st. acknowledging his title (tho’ penned
 in a fulsome flattering strain) declares that
 “there can be no means or ways so fit for
 “his faithful subjects of all estates and de-
 “grees to agnize their loyalty as in the high
 “court of parliament, where all the whole
 “body of the realm, and every particular
 “member thereof, either by person or by repre-
 “sentation (upon their own free elections) are
 “by the laws of this realm deemed to be
 “personally present.”

Lord Ch. J. Coke too (4 Inst. 1, 2) lays
 down that “The Knights, Citizens and
 “Burgesses represent all the commons of the
 whole realm and are trusted for them; and
 “(p. 14.) when any new device is moved
 “on the king’s behalf in parliament, for his
 “aid, or the like, the commons may answer
 “that they dare not agree without conference
 “with their countries.”

Spelman (whose book was published in 1663,
 tho’ written long before) speaking of the man-
 ner of making laws, says “Rex consilio &
 “assensu baronum suorum leges olim imposuit
 “universo regno, & contentio inferior
 “quisq; visus est, in persona Domini sui ca-
 “pitulis, prout hodie per procuratores comi-
 “tatus vel burgi, quos in parlamenti *knights*
 “& *burgesses* appellamus.”

In

• In the discourse on government, published by Bacon soon after the death of Charles the first, and supposed to be Mr. Selden's, it is said "the power of the commons in public councils was of some efficacy, but not much honor, for their meetings were tumultuary; time brought forth a cure thereof, the flowers of the people are by election sent to be the representatives."

And, I suppose, I need not mention Hooker, Sidney, Neville, and many other celebrated writers who held the same language before the revolution.

Sidney indeed not only asserts this representation, but argues for the necessity of it to the raising of money in a free government, since "no man can give that which is another's."

Commynes, the French historian, likewise takes notice, that it is the privilege of *Englishmen* to pay nothing but with their own consents; and Fortescue, who lived in the reign of Edward the 4th, says the same thing in his treatise of government.

But a stronger proof than the uniform doctrine of these writers, arises from the several successive acts of parliament relative to the principality of *Wales* and the palatinates of *Chester* and *Durham*, &c. by which representatives are expressly given to those subordinate states, because "it is just, equal and agreeable to the constitution that they should have such, if they are to be liable to all payments, rates and

and subsidies equally with the other inhabitants of the kingdom who have their knights and burgesſes;" the 34 and 35 H. 8. running in theſe words "that all the king's ſubjects and reſiants in *Wales*, ſhall find at all parliaments *hereafter* to be holden in England, knights, citizens and burgesſes, according to the act in that caſe provided, and ſhall be charged and chargeable to all ſubſidies and other charges to be granted by the commons of any of the ſaid parliaments." Theſe therefore are ſo many facts proving the general doctrine.

And here I do not believe you will complain of my not mentioning an anterior ſtatute taxing *Wales*, which was publicly cited by a certain lawyer; becauſe you know it could not afterwards be found, nor indeed any traces of it, either in the ſtatute book or in the records of the *tower*, and therefore, altho' it got ſome how into that gentleman's notes, if ever it had any other being, the ſame has by time diſſolved,

And like the baſeleſs fabric of a viſion

Leſt not a wreck behind.

But I am rather inclined to think it was only a deluſion, or creature of ſecond ſight and origine, and therefore at beſt but *argumentum*

ad ignorantiam. For which reason I am excusable for laying no stress upon it.

The argument your writer adduces against this principle of the *British* constitution is, "if the legislature has no power but over those who vote for the election of members, 19 twentieths of the inhabitants of *Great-Britain* are released from their subjection;" and again "the commons of *Great-Britain* assembled in parliament, are not only the representatives of the counties and boroughs who depute them, but of all the commons of the realm." Now this is but very inconclusive reasoning; for it is saying that, because we have not a compleat representation, therefore we are intitled of right to none, but the converse of this proposition would be more just: and the truth is, that formerly all men who had property of their own, and did not hold at the will of the lord, and could pay towards the public expence, were represented but by the natural change in property, there are now people who have several species of it that are not concerned in elections at all, nay many large towns have sprung up which send no members, and several antient places are depopulated which still continue to be represented. Wherefore, reasoning upon the principle of *sublata causa tollitur effectus*, one might very well say since property and the holders of it, have in some particulars changed their nature, so

so it is high time, to change in some particulars the regulations for their representation, in order to keep up to the true principles of the constitution. Nay, Mr. Neville in his *Plato Redivivus*, published in 1680, and lord *Malesworth* in his preface to *Franco Gallia*, as well as other writers, have long ago touched upon this point, and insisted that
 “ towns becoming desolate, as *old Sarum*,
 “ will deserve to lose the right of sending re-
 “ presentatives to parliament, and to have
 “ their deputies transferred to better peopled
 “ places, worthy (through their numbers
 “ and wealth) of being represented. For
 “ certainly a waste or desert has no right
 “ to be represented, nor by our original con-
 “ stitution was ever intended to be.”

Now the *Americans* do not say that they are imperfectly represented, but that they are not represented at all, in *England*; in-
 much that no freeholder or member of any corporation in all *America* has by virtue there of any capacity for sitting or voting for any representative in parliament; and that there-
 fore it is they have hitherto, from their very first establishment, for more than 100 years, uniformly exercised and enjoyed the privilege of imposing and raising their own taxes, in their provincial assemblies, of which they choose the members. So that they look
 F 2 upon

upon themselves now to be not only intitled thereto by the principles of the *British* government, but by an uninterrupted usage sufficient of itself to make a constitution. For the present inhabitants contend that they have inherited this franchise of raising money upon themselves from their ancestors. And then they ask, what they have done to forfeit these their antient liberties and immunities, and when it is that they have refused to grant any aids that have been properly applied for? Nay your own writer says, that "*Pennsylvania* voted in Sep. 1765, *Nem. Con.* That whenever his majesty shall require the aids of the inhabitants of the province, and they shall be called upon for that purpose in a constitutional way, it will be their indispensable duty to grant their proportion for the *British* *American* provinces."

Supposing therefore the right of *England*, and supposing also that it was requisite to levy a revenue upon *America* for the use of the state in general. Why was it necessary, seeing it was certainly imprudent and odious, to levy it now, for the first time, in an unusual manner by force of an *English* statute, without laying the matter before the several *American* assemblies, and seeing whether they would not raise it themselves? For, after
people

people have long enjoyed any prerogative, especially that of granting their own money and giving a part of their estates, or (as we more emphatically express it) of making *free gifts*, it is scarcely possible to withdraw it without murmur, nay without tearing it from them by force, and at the expence of a civil war, if they have the means of supporting one. Therefore, causelessly, one would imagine, no wise administration would attempt it.

This I do not say from history alone, or from what has lately happened, (nor do I gather it from the excellent pamphlet published in *America* upon the occasion, by Mr. *Delany*, nor from any recent writings or proceedings) but from particular grounds that our ministers must have been acquainted with before the stamp act could be thought of. For, in 1754, when the war was breaking out in *America*, a plan was formed there for its defence and for defraying the unavoidable expences to that end, which was transmitted hither, but, not being approved, a new one was sent from hence, whereby the governors were to be empowered to draw for money upon the treasury here, and the treasury to be reimbursed by a tax laid on the colonies by act of parliament. This when it arrived, was communicated by governor *Shirley* to a man

man of great consideration at *Philadelphia*,
 whose remarks at that time had so much
 weight with the then ministry, as to occasion its
 being laid aside, and this too was before the
French power in that country was subdued.
 The remarker said, he apprehended the tax-
 ing *Americans* by act of parliament, would give
 extreme dissatisfaction, and urged the following
 reasons against it. "In matters of general con-
 cern to the people, and especially where bur-
 thens are to be laid upon them, it is of use
 to consider as well what they will be apt to
 think and say, as what they ought to think.
 They will say that the parliament of *Great*
Britain is at a great distance, subject to be
 misinformed and misled; that it is supposed
 an undoubted right of *Englishmen* not to be
 taxed but by their own consent, given
 through their representatives; that the
 colonies have no representatives in parlia-
 ment; that compelling the colonies to
 pay money without their consent would be
 rather like raising contributions in an
 enemy's country, than taxing *Englishmen*
 for their own public benefit; that it would
 be treating them as a conquered people, and
 not as true *British* subjects, and that if it be
 done, their assemblies may be dismissed as an
 useless part of the constitution." At the
 same time he speaks of those secondary taxes
 which

which are layed on exports, and imports, and of the restraints on manufacturing, as what has been customary, and therefore cheerfully submitted to. As indeed the power of doing this seems to be a necessary attendant on the sovereignty of government, which by keeping the keys, the ships and fortresses of the state, must have the consequent power of letting in or letting out what commodities they please, and upon what terms; and which general superintendency of the whole empire must also entitle it to prescribe how and in what manner and to what degree the productions of any part shall be manufactured. But the taking from them their possessions, or the produce thereof (not merely forbidding certain uses of it,) nay the very money out of their pockets without their own consent, is what they would consider as oppression and inconsistent with being freemen.

I wish therefore with all my heart we had been contented with imposing these secondary taxes, and had left the raising of money to their own assemblies; being fully aware how improvident and insatuated a minister must be that would force on a measure of government unnecessarily, which must unavoidably lead to the discussion of points that should never be

be brought into question, and which if once disputed, must be attended with dangerous consequences at the least.

Besides, if a like thing had never been done while the Colonies were young; was it prudent to set about it now, that they were numerous in people, accustomed to arms and extended in territory, after having recently disbanded several regiments among them, and disposed of lands to the officers and soldiers that composed them? Strange and unhappy politics surely!

But let our force have been ever so predominant, and irresistible; as the *English* parliament had never interfered before in levying a revenue from *America*, there was in appearance something cruel and overbearing in touching their purses now, without communicating with them about the occasion. And if, as your writer more than once insinuates, the product of the stamp-act, was really to be applied to *American* purposes, it seems to have been the strangest policy in the world not to have consulted them, because nobody can doubt but they would have contributed to every reasonable request for their own benefit. The most gracious way of doing things is the best, as nothing can excuse harsh

harsh measures but necessity. One must therefore conclude from this writer that our ill-fated minister chusing "to hold the rein with a firm hand," treated our colonies in an arbitrary manner, when it answered no end to do so, merely because it was his favourite method of driving on government. And this will account likewise for the antipathy he every where expresses to lawyers.

Indeed, if this revenue were ultimately designed for *American* uses, who could be so proper judges of those as themselves?

Moreover, no persons know so well as the people furnishing the money, in what way they can raise it with most ease, which is likewise a consideration of some weight with a wise treasury.

And above all, it seems to have been imprudent, when we were exerting, for the first time, our right of laying an internal tax upon *America*, to accompany it with the deprivation of another privilege that is generally much valued, that of the trial by jury. It was, to recur to

G

your

your own figure, using the *rein* too freely at the outset.

Having said thus much with respect to the manner of doing the thing, I will make some few observations on the matter itself.

The act directs that the tax shall be paid in sterling money of *Great Britain*, and remitted to the Exchequer in *England*. Now, in some provinces, it is very well known, there is no money at all, but paper money; therefore in that respect there was a natural impossibility of executing the act. In other provinces specie was very rare, and by the new orders sent out by the same ministry prohibiting the importation of *Spanish Bullion*, (almost the only specie that comes there) this scarcity was every day increasing. This last, therefore, was a regulation of trade tending directly to defeat the act; for, the requiring the tax to be paid in specie, and the prohibiting the only specie current, was literally the requiring of bricks to be made without straw: It was of a piece with the politics of *Laputa*, where after diligent study on the means of improving the old methods of tillage, they turned pigs into their fields to save the article of plough-

ploughing, although every body else knew that where those animals have once rooted the ground with their noses, nothing will afterwards grow, and the consequence accordingly was an unusual dearth of the very thing the ministers wanted most to produce.

Besides, if, as the pamphleteer advances, the money to be raised was to be layed out in *America*, no reason can be assigned why the act should command it to be transmitted to the Treasury here; unless it were to give the ministry an opportunity of displaying their tory principles in dispensing with the positive words of a statute by a Treasury order. This, however was, it seems, intended; for your apologist says, "It would have calmed the fears that the colonies would be drained of their specie, if the directions had been issued which the Treasury, July 9, 1765, (by their minute) had given, That the produce of the *American* duties arising by virtue of any *British* act of parliament, should be paid to the deputy paymaster in *America* to defray the subsistence of the troops and any military expences incurred in the colonies.

And yet the statute positively enacts,
 "That all the monies shall be paid into the
 "receipt of his Majesty's Exchequer, and shall
 "be entered separate and apart from all other
 "monies, and shall be there reserved to be
 "from time to time disposed of by the par-
 "liament.

And "That if the commissioners for ma-
 "naging the said duties, or the receiver ge-
 "neral shall neglect or refuse to pay into the
 "Exchequer all or any of the said monies,
 "or shall divert, or misapply any part there-
 "of; then they, and every of them so of-
 "fending, shall be liable to pay double the
 "value." Now, I cannot (I suppose) speak
 to the stamp-ambon in any language more un-
 exceptionable than his own, and therefore I
 shall say "The power of judging whether or
 "no an act of parliament shall be carried
 "into execution, is not by the constitution in-
 "trusted to any ministry. The bill of rights
 "declares the pretended power of suspending
 "of laws, or the execution of laws, by regal
 "authority, without consent of parliament,
 "is illegal." Indeed one main topic for his
 abuse of the succeeding ministry, is their deli-
 berating in council (in pursuance of the King's
 orders)

orders) upon the intelligence received from America of an opposition to the stamp act, and on what was most fit to be done in consequence thereof. Where, after telling us that "the privy council report hereupon, that this is a matter of the utmost importance to the trade and legislature of *Great Britain*, and of too high a nature for the determination of your majesty in your privy council, and is proper only for the consideration of parliament," he says, "The execution of the laws is reposed in the king, and delegated by him to the officers in each department, the privy council cannot deliberate upon the laws; tho' they can assist the execution of them; and the principle which attributes to the king in council the power of dispensing with the laws of the land, is the highest treason against the state." Now if this be so, I humbly conceive a board of treasury has not a superior power, and then I leave the consequence to be drawn by himself.

With respect to the tax itself, A stamp on all private securities, on all proceedings in courts of law for the recovery of just debts, and on all the necessary transactions in merchandize

chandize and shipping, &c. is a great burthen and clog to any country, and exceedingly oppressive and injurious to an infant state. It is one of the last taxes that was thought of among us, and has been only by degrees in the course of the last 70 years extended to the several articles now loaded with it. But the late financier, so far from considering this, has at once imposed a stamp in *America* upon every thing that pays it in this country; nay, has carried it farther by laying it there upon clearances of ships outwards.

To crown the whole, the prosecutions and informations for the non-payment of this tax, were to be had in courts exceedingly distant, where no jury is tried, where the judges are intitled to fees and poudage on conviction, and hold their offices during pleasure; the appeal for any grievance is to be made to a court of this sort; and none lies to the quarter sessions as in *England*. So that no redress is to be expected; or, if to be obtained, can be worth the expence of procuring.

But

But this disease in the act is likewise to be cured by our author's constant *nostrum*, a treasury prescription; for, he says "There was a memorial from the Treasury dated July the 4th, 1765, presented to his majesty in council, stating the expediency of giving the judges in America sufficient and honourable salaries in lieu of fees and all poundage, and of establishing three different courts of vice-admiralty, with proper districts to each." A very adequate remedy truly!

But, one cannot help remarking that even this and the other miserable palliative, were never thought of till the expiration of the ministry's power; for, this is dated the 4th, and the former the 9th of July, and the pamphleteer says that "the intention to change the ministry was declared in May, and their successors came into office in the beginning of July." So that these treasury legacies of an oppressive minister, like the death-bed charities of an usurer, were to be carried into execution by those that came after, and seem rather the effect of dying fears,

or

or an artifice for leaving a good name behind,
than the product of any good principle.

This now is an unaggravated representation of this unexampled act, which I confess seems to me calculated to alarm every man who had but heard of a *British* constitution, and much more who thought he was intitled to the benefits of it.

Your writer cannot vary the state of the case. But he says that the financier who projected this act, "after the resolutions
" come to in 1764, gave a year's delay, that
" any information might be received from
" *America*, with regard to the *Expediency*
" of the tax proposed, not to permit the right
" of imposing it to be controverted." He then gives us room to conclude, that before the end of this year, the *Americans* had in their assemblies disputed our right of taxing them, and says in a note that "on the 11th of
" *December*, 1764, the board of trade
" reported to the king that the assemblies
" of

" of Massachusset's Bay and New York, had
 " treated the acts and resolutions of the legi-
 " slature with the most indecent disrespect."
 And here he suppresses, what he knows
 likewise to be a fact, that some of our gover-
 nors there, and particularly Mr. Bernard, re-
 presented strongly against the projected mea-
 sure, and that several other remonstrances
 against it couched in the most inoffensive
 manner, came from many parts of America,
 and that this Report and *all these papers*
 were laid before the Privy Council. He
 goes on, " The Privy Council advised the
 " King to give directions that the same
 " be layed before parliament, at *such time*
 " *and in such manner as his majesty should be*
 " *pleased to direct and appoint.*" And then
 adds, not very logically, " *This postponed the*
 " *laying it before parliament, as it was meant*
 " *to do;* but it deprived parliament of no in-
 " formation; for the assemblies had instruct-
 ed their agents here to prepare petitions
 " *in the same words,* and particularly Mr.
 " Mauduit the agent for Massachusset's Bay
 " was directed to draw his principles and
 " argument from Mr. Otis's book. Pe-
 " titions were presented, asserting the right
 " of freedom from taxes imposed by Great
 " Britain. These were rejected by par-
 " liament, not from ignorance of their
 " contents but because their contents
 " were known; because they denied the
 " power of G. B. No information *there-*
 " *fore* was withheld by this delay, the cause
 " of which was tenderness to the Colonies.

H

" For

"For had the king called the attention
 of parliament, to proceedings in which
 their acts were treated with the most in-
 decent disrespect, their own dignity must
 have drawn from them votes of censure
 and severity towards the offenders; and
 therefore the ministry, who were taking
 the proper methods to form and enforce
 the act, withheld a paper, which would
 have given no information but what was
 given in a manner less calculated to irri-
 tate mens minds.
 Such a specimen of reasoning (I believe)
 can hardly be produced since the use of the
 pen has been known. And who would
 think a man fit to be at the head of an ad-
 ministration, who could put together such
 inconsequential matter, after beginning his
 pamphlet in this manner. "It is time that
 the public should receive the evidence
 which has hitherto been industriously con-
 cealed from them; having heard the claims
 of America, they should hear, at least
 whilst I plead, the cause of Great Britain."
 For, from this exordium any man living
 would conclude that the American claims
 (or petitions as he afterwards calls them)
 had been largely heard, even by council
 at the bar of parliament, and that people
 in general had been so strongly impressed
 thereby that none could be heard who were
 inclined to gain say them; whilst we Eng-
 lishmen had not a soul to urge a syllable
 on our side of the question, and that by
 some

some means or other all the evidence too that made for us was industriously concealed. And yet this last must rather seem unaccountable to the reader who knew that the minister (an hearty Englishman) with a great majority was strongly bent upon carrying the measure into execution. Why, in fact, the assertion is false, the very reverse was notoriously the case; and, what is still more unaccountable than the assertion itself, this very writer in his subsequent narrative (as the reader must have remarked, in the passages cited above) tells you so himself, and pretends also to give the true reason for it.

But here I must beg leave particularly to draw your attention to the note which says, the Privy Council gave directions to lay what was received from America before parliament at such time as his Majesty should appoint, and that this postponed the laying it before them, as it was meant to do.

For, to avoid, I suppose, either telling fairly the truth, or affirming unequivocally what the writer knew to be false, he has here conveyed himself in such dark and imperfect expressions, that the reader must supply several words to complete the sense. And having done this, the assertion will then be — "The ministry originally intended to lay every thing before parliament, but the Privy Council ordering them to take his Majesty's directions as to the time of doing so, and the waiting for these directions from

his

his Majesty, who either from indifference or disinclination delayed giving any, postponed the matter indefinitely, and thereby prevented the intentions of the ministry from taking effect. This must be the real sense; but then the writer knew it to be untrue, and that the real fact was a very criminal one, no less than a wilful suppression by the ministry themselves of important evidence which the Privy Council had directed them particularly to lay before parliament; and therefore he has had recourse to indeterminate expressions in order to blunt its effect. The weak writer, however, had better have wholly omitted the mention of this transaction, instead of sliding it into a note only as it were by the bye, and giving himself so much torture about the expression of it. But, like guilt in a culprit, it hung somehow about his mind, and to ease that he could not help betraying himself, altho' he had not honesty enough to make an ingenuous confession. His subtleties and little artifices are really curious. In the *first place*, in order to represent the matter of little moment he puts it into a note, and denominates all that was comprised in the order of council *ii*, (and afterwards a *paper*) although consisting of several different papers, such as votes, resolutions, letters of advice and intelligence from governors and officers, remonstrances, &c. with the report of the board of trade thereon. In the *next place* he endeavours to represent his Majesty

and

and the Privy Council, or at least his Majesty (might he be permitted to speak the truth,) as the real cause of no information being layed before the houses, primarily perhaps the Privy Council by giving directions that his Majesty's pleasure should be taken as to the time and manner of doing the same, and secondarily his Majesty by never signifying his pleasure in that respect at all; leaving room to the reader to conjecture that it might be the intention of the Ministers as well as of the Privy Council to do it, but that both were prevented by the King's delaying to appoint any time for its being done. Whereas the board of trade made their report on the 11th of December, 1764, and the Privy Council gave their advice upon the matter soon afterwards, long before the stamp act came into the house. The authority too of so weighty a board as the Privy Council always enforces and expedites, instead of retarding, any measure. And it is moreover fully known that his present Majesty never puts off, or defers any public business. Had not the pamphleteer therefore borne testimony against himself (as he does in his pamphlet) I would venture to leave it to any man's judgment whether a king, so fond of parliaments as our present sovereign, would of himself be likely to delay for an instant the communicating there any national matter, especially after his privy council had advised him so to do; or whether a ministry who have been so notorious for supporting

supporting themselves on points of law
 against courts of justice were not very like-
 ly to disregard such advice and to exhort
 his Majesty not to follow it as it made
 against their own measure. The matter
 will not admit of a doubt. And therefore
 this writer is guilty of gross disrespect and
 obsequy as well as of untruth, in giving us
 to understand that either the Council by di-
 recting the King's pleasure to be taken as
 to the time, or the King by not signifying
 his pleasure, postponed the laying these mat-
 ters before parliament as it was meant to do.
 Which concluding words, I shall in the last
 place observe, avoid saying directly by whom
 this was meant; although none but the mi-
 nistry could be the persons here intended by
 the author. Now, this is the poorest shift
 of all. For, if the Privy Council direct
 withing ministers to do a thing, taking only
 his Majesty's pleasure as to the time and
 manner; and His Majesty (as we well know)
 be ever ready to enter upon business and to
 do his part in all acts of state; what should
 hinder the things being forthwith done?
 why then at last, like a true conscious cul-
 prit, the writer after all this tergiversa-
 tion is obliged to disclose the real fact, to
 wit, that the ministry, who were taking
 the proper methods to form and enforce
 the act withheld a paper, that is, all
 papers and all light whatever, from the
 parliament, who should have been possessed
 of the whole as they were to decide for
 the

the public upon the matter. So that this paltry apologist must finally be driven to explain away the words as *it was meant to do* either of other persons than the ministry or of some other time, or else admit them to contain a downright falsity. Now, nobody else could be in the situation of doing the thing in question, but the ministry, and therefore it must refer to them. Well then, if they are the persons, they must have meant to do it *before* the report of the board of trade and the advice of the Privy Council and the taking of his Majesty's pleasure thereon, otherwise, these proceedings could not be said to *postpone* it; and if so, he should have told us why the council were consulted at all upon the matter, seeing the ministers were resolved, from the beginning, not to hearken to their advice, unless it fell in with their own ways of thinking, and should also have mentioned this, their intention as previous to, and put it *before* those proceedings and not in his narration have placed it *after*, as if some subsequent event had occasioned it. But he knows it was never their meaning and intention neither before, during, nor after the deliberation in council; and it was for that reason he has chosen not to assert it of any particular men or time, but to affirm generally *it was meant* in such neutral words as may lead an oscitant reader into a doubt, whether there was not such a meaning at some time or other, even after the advice of the Privy Council upon the

the subject: and indeed if a man is compelled to lie in his defence, he is prudent in using the most equivocal terms he can, because then an unwary reader may be imposed upon, and as to a wary one, although he be couched shortly and lurk in few words, yet to detect the falsehood and lay it fairly open, he will be obliged perhaps to be long and will therefore rather give up the task than be at the pains that are requisite for the purpose.

Having however been at this trouble, and pretty well probed this notable passage, I shall now consider a little more fully the fact it relates to, and which has occasioned all this duplicity.

The financier of the kingdom projects an internal tax upon its colonies, the first that ever was laid, and, by way of feeling the pulse of mankind upon it, comes to a resolution for the purpose a year before it is to be actually laid, that is, in the spring of 1764. All the colonies are thereupon alarmed and come to votes denying our right to lay such a tax; some of our ablest governors there, particularly Mr. Bernard, represent against the advisableness of such a measure, several remonstrances are made against it, and many letters upon the subject, come from America. They are laid before the board of trade, which reports thereon in December 1764. The matter being of infinite moment to the nation in general; the whole is referred by the King to his council,

council, and the council advise his Majesty to lay the same before the parliament: the ministry dissuade his Majesty from complying with this advice and prevail. This is the naked fact, and it is not only of the first impression, but of so daring a nature, that it is not to be paralleled in history. The infatuation of the financier is perfectly amazing. He, as the minister projecting the tax, being a member of the Privy Council, urges there whatever he can against the communication of any lights from America to Parliament; but, notwithstanding the weight of all his arguments and his influence, as minister, thrown into the scale, the board deem the matter of so much consequence to the nation that they positively order him to acquaint the King that they recommend it to his Majesty to lay the same before parliament. The hardy projector not being able to prevent such advice from going to the throne, presumes, even there, to obtrude his own opinion against that of the council board. Now, no reason can be given for this proceeding of his, but a persuasion that the parliament would, had these lights been given to them, have rejected his scheme. And that being so, let me ask whether any thing more wrong-headed, nay more violent and wicked, could be practised? For, what can be a more enormous offence in a minister against his country, than a wilfull secretion of evidence from its legislature, in a matter whereon they are to decide

what is of the utmost moment to the whole state; and more especially after the Privy Council had examined and found it to be so important as to direct expressly its being laid before them?

If such a proceeding as this is not a matter of impeachment, I know not what is, and therefore nothing surprises me so much as the infatuation of ministers who could confess so much guilt, unless it be the supineness of those who could hear such a confession, and not immediately move an impeachment upon it—the crime atrocious and the criminals hardly avowing it. The fact will (I fear) scarcely be believed hereafter when history relates it; for, there are very few seasons when so daring a breach of the constitution, and so gross a betraying of a minister's duty to the public and to the whole legislature of his country, could have passed with impunity and escaped the vengeance that is due to it. The magnitude of the offence, I suppose, became its protection, the succeeding ministry not adding in the faith even to what was confessed, so incredible is enormous flagitiousness to men of virtue and real patriotism.

But to resume my subject. The Stamp author not only confutes his exordium in what I have already cited (for I take every thing from himself) but he repeats the same matter afterwards by saying “in the beginning of 1765, several petitions, which denied the right of imposing taxes on the colonies

“colonies were presented and were *therefore* “rejected.” The reason however which he here alledges as well as before, why they were rejected, is not the true one, as I have been informed. Nay, it could not be so; For, some of the petitions were worded very guardedly, avoided saying a syllable against our right, and confined themselves to the propriety, expediency and feasibility of the tax. These therefore could not be rejected for the reason suggested; neither is it true that “the assemblies had instructed their “agents here to *prepare petitions in the same “words.”* For, the very instance, which this inconsistent writer brings in proof of it, proves the contrary, namely, “that Mr. “*Mauduit* was directed to draw his principles and arguments from Mr. *Otis’s* book;” because if Mr. *Mauduit* prepared a petition in the same words, with that which his constituents had offered, he must copy theirs verbatim, and then he could not do what they directed, draw one himself from another source, that is, from Mr. *Otis’s* large (and let me add) very ill-written and confused treatise.

What Mr. *Mauduit* did in consequence of this direction it is not material to enquire; but, be what it would it was so little agreeable to the province for which he was agent, that they dismissed him from their service soon after.

The report of the day was, as I recollect, that the unperfuadable minister at that unfortunate

fortunate period, insisted upon the American stamp bill being a money bill, therefore no petition against it could by the rules of parliament be received, and that upon this ground all the petitions from the whole continent of America and from the agents of the several provinces were rejected, in so much that not one of them all was either read, heard, or layed in any way whatever before parliament, the only court where the cause of America (to adopt your language) could be tried. It was consequently determined without being pleaded at all. This however I am inclined to think was no more than an ostensible reason, and that the true one was the same which the stamp author relied upon against the Privy Council, that is, *the ministry were taking the proper methods to form and enforce the act*, which it is ten to one had either the Americans or their agents been heard, or had the Privy Council been obeyed, would never have passed; and then we should have had no proof at all of our great financier's abilities in his favorite department, which would certainly have been a great mortification and loss to himself, whatever it might have been to the public. But as it has turned out, this single enterprise will afford us a notable sample both of his capacity for finding out good funds and of his firmness in adhering to them against all opposition, and has therefore (I believe) pretty nearly united all mankind in one and the same

same opinion concerning him. However, although I cannot help doing him the justice to say, that I look upon him to be quite original, in having so manfully withstood the opinion of the Council board; yet I cannot allow him to be wholly so, in shutting out all the light, before he proceeded to a discussion of the matter; because, if I mistake not, there was a certain French judge, celebrated by Rabelais, who said, much in the same style, *Let us begin, if you please, with laying the evidence out of the case.*

For my own part, I beg leave now, to revert to our writer to the stamp act, for he merits further attention in the progress of his reasoning, and particularly, with respect to the conclusion that he draws from the secretion of the American proceedings, which had been before the Council. His first position is, that "it deprived parliament of no information," which he makes out by saying, "because the agents of the Colonies were instructed to petition in the same words." And then he acquaints us, that these petitions of the agents were refused to be admitted by the houses. Wherefore his conclusion, that by the management of the ministry the parliament was deprived of no information, is in my humble opinion fully proved.

To speak seriously, the bare state of what he says, is so pregnant with palpable absurdity, that one does not know which to blame most, his head or his heart. For

no man before, I dare say, ever maintained, that the exclusion of all evidence was no deprivation of information.

However he more than once roundly asserts that although the parliament heard no representation, or Council at all; yet, they knew as much of the matter as if they had; the withholding of the American remonstrances and arguments, being the same thing with him, as the communication of them; and then he says, with equal good sense and truth, that the reason of the whole not being laid before parliament, was, tenderness to the Colonies; so that there was much tenderness shewn to the Americans, by the ministry, in not revealing that of them to the Parliament, which, according to him, it knew already, and in debarring them, by this means, from all opportunity of explaining, qualifying or defending what was most exceptionable or offensive in their several claims and petitions.

Is it possible to couch more nonsense, and self-contradiction upon paper? A man who is capable of losing his time in arguing with such a legislator would deserve no better fate than that of living under his government.

The writer takes for granted every where, that the English parliament have a right to tax America, when and how they please. Be it so: yet surely there is something tyrannical in condemning men unheard.

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The laying hold of any little parliamentary regulation of order, to exclude the representation of some millions of subjects upon a matter that solely concerns them, seems at least to be hard. For no man as possessed of British property will pay any part of what is imposed upon America; so that the British parliament by subjecting the Americans to pay in taxes the whole of their worth would not subject themselves to the payment of one single farthing. Therefore no man in his senses can put the continent of America, populous, extensive and distant as it is, upon a footing with any individual or single corporation in England; seeing there is no sort of property in this island which any inhabitant can be possessed of, but that some member of parliament has the like. Besides, nothing can pass here in either house, but what immediate notice may be given of it to any part of the kingdom. Whereas all the property in the whole continent of America would not qualify any man to sit in the English parliament, nor even to give a vote for any member of it: nor is it possible during the progress of any bill in either house, or during any session, to have any communication with any part of that continent upon any matter whatever. In fact, no American has any thing more to do with the choice of our lower house of parliament, who are styled *the Representatives* of the Commons of England, than with the Senate of Sweden.

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The only means they have of laying any matter before either house, is by their agents, and when these are repulled, for any informality or other reason, the provinces, who must be the sufferers, have no way of being heard and are remediless.

At least, no man of any bowels or prudence, in so grave and momentous a matter, as that of satisfying our Colonists we behave with all the indulgence towards them that the forms of our constitution will admit would, like the stamp-author, call them "the wanton Americans forming a concerted plan of obstinate rebellion" because they earnestly insist upon what they think their legal rights, and have hitherto been actually permitted to enjoy, and by this strain of writing, endeavour to raise an animosity here against them, by contrasting them with a fanciful picture of "the poor English peasant, driven into a temporary insurrection by the whip of that severest of masters want, and taught to expect condign punishment and speedy justice from the rigour and vigilance of government," although our present confident and bold ministers have just ventured to lay an embargo, in spite of a statute to the contrary, for their relief, and have thereby exposed themselves to much calumny from the same quarter. I am sure none of this conduct bespeaks a wise politician, much less cautious of establishing a character with the men of sense and observation in this country.

try. It is a sort of suppliant oratory more suited to the small petulant genius of a Cambridgeshire poet, who is used only as a fiddle to a party, than to a man who aims at being considered as a proper head for administering the affairs of a great kingdom, upon any change that may happen. Fun, witticism and humour are out of place, when two thirds of the trade of the first commercial country in the world are thought, by many people, to be at stake. And nothing lowers a conspicuous man, more than his mistaking the proper objects of merit. In truth he must be a contemptible creature, who can make sport with the sufferings of mankind; and will, when he attempts it, find that nobody will give him credit any longer, for really feeling for his own country, let him protest it afterwards as violently as he pleases.

And I might say the same of caricature, or extravagant exaggeration, such as calling America claim to the sole right of taxing herself, a refusal to be subject to the Great Britain, although she declares the contrary, willingly submits to all her commercial rules and to her regulations in trade and manufactures.

For a moment, let me now repeat the first of these petitions, in order to show the absurdity of their petitions, instead of the necessity of taxing themselves. Let me not the Parliament have at once declared their own right to tax America, and have

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precluded

precluded council from arguing that point, but have let them into the discussion of the expediency of the tax itself? and might not such discussion have thrown some lights upon the house, which it was deprived of? would it not at least have been indulgent, reconciling and truly paternal conduct?

The self-sufficiency of the financier made him, I know, desirous of rejecting all information, and yet so convicted has he been since, of the grossest ignorance of the state of many of the American provinces, that it were to be wished he had not by his obstinacy proceeded as he did, and lighted a flame, which perhaps our posterity may feel the effects of. It may well be deemed an ill starred act, if no other ill consequence flowed from this unfortunate scheme for revenue, than the having alarmed all America so much and so generally, that it produced what was not possible, an union of the several jarring and discordant governments or states, so that they formed, for the first time, a general congress. In short they considered the matter as *commune peril*, every province took the alarm, and they all coalesced as one man against a common enemy. What projects may take rise hereafter from this taste of an *Amphictyonic* assembly, I will not prophesy; but the mischief alone that may spring from such a source, will probably be more than all the services ten thousand such ministers, as the

thor of the stamp act, will ever be able to do to his country! One such proof, of a head ill turned for the administration of the concerns of this nation, is enough to extinguish any man for ever as a politician it must, and ought to act like a millstone round his neck.

But is it not wonderful that after all the evidence to the contrary, which the writer exhibits himself, he should say, that "it was the opinion of almost every officer in America, that the act would be obeyed."

The votes 11 Dec. 1764, of *Massachusetts Bay* and *New York*, would make any body apprehend the contrary. Nay, the act passed but the 22d, of March, 1765, and the pamphlet confesses p. 39 "the fullest accounts were soon received of the turbulent and seditious behaviour of a part of America." Upon the 20th of May following, that is, within six weeks, Virginia came to resolutions, "denying the right of the parliament of Gr. B. to tax that colony." These very resolutions arrived here the 27th of July (but a very little after the financier was, luckily for this kingdom and himself, discarded from his Majesty's service). The Governor dissolved the assembly (p. 41) and from the intelligence the ministry received of the state of the province, they saw that these resolutions were meant, not to be mere verbal assertions

"of principles of action, and
 "p. 43—4) that government was set at open
 "defiance." p. 30 mentions a letter dated
 "the evening August wherein the ministers,
 "two or three months ago I thought
 "that people would have submitted to the
 "stamp Act without actual opposition; but
 "the Virginia resolutions proved the alarm
 "bell. From that time, libels of the most
 "atrocious kind have swarmed and been
 "urged with so much vehemence, and so
 "industriously repeated, that I have con-
 "sidered them as precludes to action; but I
 "did not think that it would have com-
 "menced so early, or been carried to such
 "lengths as it has been. And the letter
 "contains an account of fifty gentlemen
 "actors in a mob, besides a much larger
 "number behind the curtain," and adds
 "the common talk is that the stamp Act
 "shall not be executed here, that all the
 "power of Great Britain shall not oblige
 "them to submit to it, and that they will
 "die upon the place. In such a spirit
 "it is impossible to carry the stamp Act into
 "execution till from some distance from
 "England." And in a subsequent letter of
 "the same month" I say my opinion that the
 "work that can expect should be expected
 "and provided against" by "The reso-
 "lutions of Massachusetts were similar
 "to those of Virginia. The Board of trade
 "represents that the above-mentioned paper
 "reports of the disturbances in August, in
 "America,

"America, declare a general resolution to
 "oppose and prevent the execution of the
 "acts and that the magistracy there was
 "utterly incapable of resisting or suppressing
 "these tumults and disorders. The Provi-
 "dence Gazette extraordinary, of the 14th
 "of the same month says, that his Majesty's
 "liege people, the inhabitants of America,
 "were not bound to yield obedience to any
 "arbitrary taxation other than of the Gene-
 "ral assembly." P. 60 "The intelligence
 "from other hands and other quarters is
 "all of the same kind" and a 62 con-
 "fesses that "the most alarming informations
 "had been received so long ago as the 27th
 "of July" and afterwards "the plan of a
 "general assembly of committees, which
 "had proceeded from Massachusetts Bay
 "discovered more of a regular system of re-
 "sistance." P. 68 takes notice of a letter
 "dated in September representing" that there
 "was a general scheme concerted throughout
 "the colonies: and afterwards another letter
 "dated in the same month informs" that
 "they grow more and more inflamed; and
 "declared they would not submit to the
 "stamp act upon any account." "or in any
 "instance." and another "in that month
 "says they ready declare they will wait off the
 "stamp tax until they can get France
 "to assist them in getting rid of it." The pamph-
 "let likewise asserts that "the schemes of
 "independence were formed and guided by
 "the Congress and supported by the prin-
 "ciples of America."

"pals

"pals of the provinces." And p. 97 speaks of their "raising a regular body of forces to be opposed to those of England; that the principal men of different parties, were reconciled to each other; and, that the militia refused to obey the Captain General."

After reading these faithful extracts from the stamp authors own notes, any body may I think say, "out of thy own mouth will I judge thee, wicked scribbler." And it is impossible that either you, or the officers in America could upon such evidence think that the act would be obeyed. For the moment that it arrived, the province of Virginia came to those resolutions which were an alarm bell to the whole continent, and every province abetted the same principles, and it was manifest to the governors, that these were not mere verbal assertions, but principles of action; so that those who had never before seen the least inclination in the inhabitants of America, to dispute by force with England, and had therefore hastily written over, that they made no doubt but the act would be obeyed, soon changed their tone and confessed their mistake. In short, the people were at a man determined to resist, and the whole train of evidence proves it; their warm remonstrances against the act to our own legislature, the resolutions of their assemblies, their newspapers, which the governors dared not to prosecute, their riots, headed by the most substantial

substantial men among them, and the active part taken by the body of lawyers, the reconciliation of all parties; the general union and communication of the several provinces on that continent, which before could never be brought to agree together in any one thing; the refusal of the militia and provincial forces to obey the orders of our Governors, or even of our Captain General, and finally their taking measures to secure some of the towns and to raise forces. These are a cloud of witnesses to one and the same point, which must carry full evidence of the thing to every man.

Nay it is my opinion that the framer of the stamp act foresaw it would be opposed and not obeyed, by his laying a stamp upon the clearances of ships outwards, which is not the case here and which was imposed there, merely to force down the act under the penalty of stopping the whole trade of the country. There is no other reason to be assigned for such an imposition. And this I suppose is one of the grounds for the stamp writers gloying, that "the stamp act was formed to execute itself." But if I agree with him herein, it must be by taking the word in a different sense from this politician, and then it may be true, that this act was calculated to be its own executioner, and to have a chance likewise for giving a finishing stroke to the execution of all our other laws and government there, had not the madness of the furious minist-

try that planned it, done their own business
 here first, by endeavouring for the sake of
 rivalling their power to screw tighter than
 need be in a weak point at home; and
 to (to use his own phrase) extricate them-
 selves when they least intended it, very much
 to the satisfaction of the whole nation.
 I think I may say any wise man speculating
 upon the subject would originally have seen
 the probability there was from the nature
 of the thing, coupled with the actual cir-
 cumstances of the colonies, that the act
 would be opposed; especially as many of
 the inhabitants were of a very sturdy race,
 who had fled thither from the tyrannies of
 Charles I. and Oliver Cromwell, for the
 sole purpose of enjoying liberty and pro-
 perty. And therefore it is marvellous that
 the planner of the tax did not provide means
 adequate to the occasion for enforcing obe-
 dience to it. But it is plain from his
 own evidence that no provision of this sort
 was made. For, the Colonies are so
 vast the forces are greatly scattered, and
 spread over that vast continent, and what
 a junction might be prevented by some
 few lucky circumstances, and who had
 undertaken a hazardous and precarious thing
 would have much and every advantage
 for not being detected and interrupted.
 But the constitution seems to have inter-
 ferred the projector from the beginning to
 the end. Now, there having been no pro-
 vision made for enforcing this act, what ex-
 cuse

curse can a minister have, who, for the sake
 of going a new way to work, in the
 raising of such a small sum as 70,000l. a
 year, would risk a civil war: for let the
 event be ever so sure of our side, the Co-
 lonies must be so impoverished and undone
 by it, that they would probably be rendered
 unable to pay the tax in question and be
 likewise so much the less capable for the
 future of taking off the manufactures that
 we have hitherto supplied them with. To
 say nothing of the great additional expence
 we must be at in any war with them, which
 would alone countervail the whole amount
 of such a tax. Indeed, the refusal to let
 them raise their own money themselves, or
 (as the New York resolution words it)
 "for the people of Great Britain, to grant to
 his Majesty the property of the people there,
 it would be unreasonable, and render useless
 their legislation." Nothing seems to me
 to excuse such a proceeding, but the Colonies
 having absolutely refused (when reasonably
 required) in their own assemblies, to give any
 supplies towards defraying the expence
 that Great Britain has been at, upon their
 account, or else a resistance of any of our
 impositions upon their exports
 or imports, or a denial to conform to our
 regulations touching their manufactures.
 At the same time I must allow, that even
 whilst bills for these latter purposes are co-
 pending in parliament, I think they should
 be heard by their agents and council at the
 bar,

harm so that nothing should be done to af-
 fect their interests without their having an
 opportunity at least of shewing every ob-
 jection, hardship, inequality, or injustice
 that might attend it. And when this is
 done, our interests and theirs are so reci-
 procal and interwoven, that nothing unjust
 can ever be done to them, because there is
 nothing that can be eventually good for one
 country which will be detrimental to the
 other. Whereas, there is not only the ap-
 pearance of great tyranny in laying restraints
 upon people, without hearing what they
 have to say against it, but in all probability
 what is completely right will hardly ever
 be compassed without it.

As the supreme government of sovereignty
 of Great Britain lies in the King, Lords
 and Commons, so every conquest made by
 British force, all acquisitions by treaty, and
 every colony sent out from hence, must be-
 long to this supreme government, and for
 this reason, the King cannot govern the Col-
 onies independent of his British parliament
 he making but a part of the British sover-
 eignty, and therefore it is, that the contr-
 roll over the whole British empire lies, with
 the King, Lords, and Commons, in the
 sovereign of the whole. But this contr-
 roll should be exercised with due regard to
 privileges, laws, and judicatures, in short, so
 it is a presumptuous, as well as an illegal
 thing, to depart from the antient form of
 state, and to go out of the usual road of
 government;

government, and, without absolute necessity,
 should never be done, because it may be dan-
 gerous, and will, in all probability, be at-
 tended with much inconvenience, if not in-
 justice. And when it might attend it, I
 have no doubt but that we could subdue
 our colonies, even in France and Spain
 were to abet them, and, by the bye, some
 of the Americans intimated they would even
 go there for aid, rather than submit to the
 stamp act. But such a victory, I should
 nevertheless think the most inexcusable we
 could have. And, God forbid, that, as
 the stamp author, I should, by ill usage,
 drive the plantations into a revolt, in order to
 have the glory of triumphing over them
 afterwards. It is our interest surely that they
 should flourish and increase; and as there
 is all the reason in the world that they
 should contribute to the general expence of
 the state, so I question not but they will
 ever be ready to do so; but then let them
 find out their own taxes, and raise their own
 money in their own way. They have had
 the privilege of doing so hitherto, and
 are desirous of continuing to do so. I
 see it makes me cold when I see
 the Americans endeavouring to what we
 call the American trade, and to put us upon
 drawing the sword for the sake of enforcing
 the laws. Although I am at the same
 time sensible that many trading towns
 in Great Britain, and principal merchants
 in

"in London, did assist the Americans, to
 "accomplish the ends of the ministry in
 getting it repealed. So that, he would
 prompt us to make war upon our colonies,
 for the purpose of carrying into execution
 an odious law, that Great Britain, as well
 as all America, have complained of. And
 yet next to the folly of the tax, would be,
 I think, the engaging in a war for its de-
 fence. But, What a strange and obstinate
 temper must that be, which neither huma-
 nity, nor the voice of mankind can affect!
 after "blaming the minister for not sending
 "an augmentation of force," he proceeds
 to tell us, that "a body of five thousand
 "men, might have been formed, ready and
 "able to reduce the revolting provinces to
 "obedience," and then labours through
 three hundred pages, to depreciate an a-
 miable and gallant officer, now high in the
 civil department for tameness and want of
 spirit on this account. And yet he knows
 that the General was among the foremost
 who disapproved the measure originally, de-
 clared he would take the first opportunity
 of endeavouring its repeal, and has since
 actually bore an eminent part in that salutary
 step. In fact, all the succeeding ministry,
 the merchants in general, and the bulk of
 the kingdom, including even a majority of
 the ill-fated Stamp authors friends, were
 convinced at last of the imprudence, hard-
 ship, and injustice of the act, and therefore
 wished for the return of the session of par-
 liament

liament to set about the getting rid of it, inasmuch that there was scarcely a man, besides the inflexible framer of it, but confessed it would be right, in point of policy, whether the act were constitutional or not, to rescind it; indeed some few were for retaining the imposition upon cards and dice, by way of evidencing our right to lay the tax, but not for the sake of the revenue from thence. Nay then, says the great minister, now in confidence with his majesty, seeing the Americans complain of your laying an internal tax upon them, in which I think they have reason, having a primary right to do it themselves, and, till they refuse so to do, it is unjust for us to interfere; if you agree to give up the substance, let us not quarrel about the shadow; if you part with the whole benefit do not leave the sting behind. The repeal should be gracious and complete.

When it was resolved therefore, by the parts in ten of our ministers and legislators, to give up the tax and to repeal the act laying it; how strange, how mad would it have been to do what this obstinate author, says we ought to have done; for, would any nation imbrue its hands in the blood of a colony, unnecessarily and for no purpose, but that of compelling obedience to a statute, which every body held to be impolitic, and the new ministry wished to annul and bury in oblivion? in such case would any wise man put the strongest, the

worst construction, upon every libellous
 speech, warm yet, or riotous proceeding
 of the sufferers, in order to find a
 pretence for putting them to the sword?
 would not a dispassionate and true patriot
 wish as much as might be, intemperance
 of fellow subjects upon such an occasion?
 let satisfaction be made to the private per-
 sons injured, by the persons who have commit-
 ted the outrage, or by the province where
 it happened; but let not the heavy hand
 of this state crush them; let not the
 arms and navies of the mother country
 revenge with a severe and vindictive spirit,
 every insult offered to its government by
 forward or daughter colonies, that imagine
 their rights have been invaded. Some things
 should be passed over, rather than wounds
 made, which no time almost will heal.
 Inhabitants will increase, and trade flourish,
 where lenity is experienced and faults for-
 given, but harsh treatment and rigorous
 justice, especially in new cases, where rights
 are made a question, will prevent popu-
 lation and damp the spirit of industry and
 destroy the ends of colonization. And it was
 therefore in my humble opinion, a most
 fortunate event for the whole British state,
 that our Royal Master called our gen-
 tlemen into his service, and particularly
 Mr. G. who is conciliating and moder-
 ate, and has by his administration, which ill-
 timed severity would have quickly suspended
 into open rebellion, the consequences of
 which

which would have been such military proceedings as I hope never to see any occasion for. At the same time, this calm conduct in a man of such real courage, so often proved in fields of battle, is more meritorious than it would have been in a mere civil officer. The uniform, firm, but humane demeanour of this gentleman, which was equally known to all the provinces, and has answered so well, is ridiculed by the writer to the Stamp Act, as so much warm water, prescribed by way of general potion for every disorder. On the contrary forsooth, he wanted to have had nothing but hot water made use of; now, as I never wish to see our colonies put into such, I am very glad they were taken from under his management, lest both they and ourselves should have been entirely scalded by this miserable physician.

In short, Mr. Secretary Conley's prudent procedure has at length restored health and a sound constitution to that continent where the Stamp Master had well nigh raised a general inflammation that would at least have endangered the destruction of the whole. It is to me wonderful that the Stamp Act should opiate this matter so long, and should persist against the sense of mankind in declaring it the success of a good effect. "Of this it would have still increased the reputation of the minister who planned it." "It should aim at being humours on Mr. Secretary's late postulant directions for bringing *E. Boynton* to obedience, and *Idessertinas* to

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Prudence

Prudence and Levity: Indeed, he laughs at the Secretary for kindly "supposing that the resistance can only have found place among the lower and more ignorant of the people," and for saying, "he would sooner cut off his right hand than order troops to march to suppress a claim of freedom;" and then adds, that "this conduct has lost to Great Britain the hands of all the inhabitants of America." Whereas, I believe, there is not a sober man who does not think the very reverse, and that if this outrageous Stamp Author would really (which I doubt) have crammed his ast down the throats of the Americans; had he continued minister, he would, by succeeding in that point, have rendered them no longer advantageous to this country, as their subjection must have been brought about and maintained by much expence, and every thing there, instead of flourishing, would have drooped and languished for the time to come. It does not surprise me to see him openly bantering any minister for paying a regard to *claims of freedom*, and for being unwilling to *suppress them by troops*; the beginning of this long letter will inform the reader why; nor am I at all displeased with him for being so self-satisfied as to think himself wiser than all the world besides. His principles of government, and his abilities for ministry have been so thoroughly experienced, that I believe they will never more do much hurt; and

and therefore he may vaunt them as much as he pleases, and proclaim himself, whenever he can, to be the only clever fellow in the realm. It is not his vanity and self-sufficiency, but his administration, that I beg leave to object to. Indeed, so fully persuaded am I, that the late financier would have done irreparable mischief to England, by enforcing his tax in America, that I fear as it is, he may have layed the foundation for distrust, grudge and ill-will there, and thus been the occasion already of their drawing fewer manufactures from hence than usual, and of their contriving more methods of doing without them for the future. His intention, I dare say, was originally good, but his head is so unequal to large considerations of this sort, and his obstinacy so great in not receding from any thing he has once projected, that I look upon him as wholly unfit for the superior provinces of finance, altho' he may make a very useful and industrious drudge in some of the subordinate departments. Moreover a man that nothing will convince of his errors, is never likely to mend, for he never sees things in the right light; and this seems to be particularly the case with the Stamp act, who so far from seeing that the real objectionableness of the tax had united both the Colonies and the English merchants in calling out for its repeal, imagines it was solely brought about by political intrigue of the Great Commoners, it

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being

being his "interest that all the capital
 "measures of the former ministry should
 "be thought wrong." And he then finds
 occasion to say, "Mr. Grenville retained
 "the useless and exploded idea of a com-
 "mon weal and public interest, pursuing a
 "plan of *English* policy abroad, and of
 "economy and improvement *at home*; while
 "Mr. Pitt acquired popularity by adopting
 "the most expensive *German* measures, and
 "imposing the most severe taxes to support
 "them." Now, I will not deny that Mr.
 Grenville did pursue a plan of economy and
 improvement at home, for it is said he is
 very rich and has otherwise greatly improv-
 ed his circumstances by procuring a teller-
 ship for his infant son, of all which, no
 doubt his family will reap the benefit. And
 I am inclined to think, upon reviewing what
 I have suggested in the foregoing part of
 this work, that the idea which he has re-
 tained of a common weal, public interest,
 and *English* policy is useless, and therefore
 not improperly exploded, because we have
 long ceased to think that he is a good
 legislator, whose acts must in the one part
 be carried into execution by dispensing
 treasury orders, and in the other by the
 sword, or else must remain unexecuted. At
 all times was the case with the Stamp Act. But
 I cannot go farther with this gentleman,
 and indeed I fancy he has by mistake printed
 while for *after the war*, because it is certain
 that whilst Mr. Pitt was acquiring popu-
 larity

larity by German measures and imposing taxes to support them, Mr. Grenville, who was then high in office, possessed of a very lucrative employ, and a member of the Privy Council, concurred both there and in Parliament with Mr. Pitt, as well about the measures as the taxes. Nay, in truth nobody opposed either, inasmuch that there was an unanimity in parliament during that period never known before or since. And it was not till the making of the last peace that Mr. Pitt left administration, when Mr. Grenville concurred with Lord Bute in that and the cider tax and the subsequent measures. Indeed, as to the late tax upon America, which set all the colonies against Great Britain, it is said, I know, by his friends to have been wholly his.

But, our author now betakes himself to his favourite employment the making a long harangue, even without any audience, and says, "If the public see with regret the power of government in the hands of Lord C—and it is from the dread, not so much of his continental as of his colonial system, it was from the commerce of the American part of our dominions that these resources were to be drawn, which his extravagance have rendered so necessary, who is almost the only man in England who ventures to assert, that it owes us no submission and professes on principles to shew them from us." Enough

Enough has been said to shew how far we are obliged to the stamp author for his colonial system with respect to its advantagefulness, and therefore I shall not take any particular notice of what is here flung out again upon that subject, but attend to the latter part of the paragraph. Whereon I shall singly remark that a writer must either be deficient in sense or honesty who can think there is any truth in it. It has been before observed that a denial of our right to lay any internal tax in America, without first applying to their several assemblies for the purpose, does not imply that we have no right to bind it immediately by other laws, or that we mean to throw it off from us. For does any man deny that Ireland is subject to us, although she has and does exercise, and every body allows her the right of internally taxing herself. The great statesman here alluded to, is only for carrying on government every where in the usual, constitutional channel, without infringing or violating the rights and franchises of any part of the British subjects. It has been his merit and lot to subdue our foreign enemies, and to protect our domestic civil rights, when his opposers were for submitting to the former, and tyrannizing over the latter. And I trust, his Majesty will find that his conduct has not only rendered his reign glorious abroad, but more respectable at home. His colonies are no longer at variance with their mother country,

try, but ready to assist her when required so to do. They are neither thrown off nor desirous of being so, and they know very well that "support is due in return for protection" *in liberty and property*; wherefore their assemblies will always for the future, with cheerfulness contribute accordingly.

Before I conclude I must take notice of p. 131. where the inconsiderate writer to the stamp act says, "It would be unjust to reproach the ministry with the effeminate, uncertain and even ungrammatical expressions in which they clothe the sentiments which they attribute to their sovereign, because it is probable they used on this occasion the best expressions in their power." For if I recollect right some worthy ministers not long ago expelled from parliament, prosecuted and outlawed Mr. *Wilkes* for saying in print that the *ministry had made his Majesty assert a falsity*. Now, if this were the punishment inflicted by that ministry, the stamp author should not tell the world that the succeeding ministry had made his majesty express himself *effeminately, uncertainly and ungrammatically*, seeing the excuse of its being purely intended as an insult upon the minister and not upon his sovereign has been held insufficient, and the author ruined for what he said. Now, it is pretty difficult to determine which of the two is the most contemptuous libel; therefore what could the stamp author, should he even be a member,

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urge against parliamentary expulsion, and against pillory, fine and imprisonment by the *King's Bench*, which might all too be going on at the same time, as no privilege, you know, lies in the case?

I have now done with this candid, consistent and able pleader for what he calls (by a figure of speech) *the cause of Great Britain*, that is, for the stamp act; but I ought not to bid him a final farewell without testifying in sober earnest, my real commendation of the caution he has shewn in leaving *chasm*s to prevent the writers of the letters he has cited from being discovered. Because I can easily believe his *American correspondent*, when he says "I communicate things at the risque of my life," and for my own part I wish from the same principle of common humanity that a certain protest had not held forth Governor *Bernard* by name to the resentment and indignation of an exasperated province. It was not necessary to the argument, and might be fatal to the governor; and in my opinion too, it would not discredit even the noblest of persons to shew some regard in party disputes to the life of an excellent man, whilst they are availing themselves of his testimony. It is plain however, let whisper intimate what it will, that the stamp author could have no hand in writing or printing this protest, for if he had there would have been a *chasm* left in that part, at least. It was also peculiarly unfortunate for Mr. *Bernard* that the im-

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pression of this protest should have been very quickly made and most industriously circulated as well as publicly sold, because all the Americans and their agents had an opportunity thereby of immediately dispersing copies over the whole continent of America, where he then was. I lament the matter the more, by reason this able governor acted the most meritorious of all parts: in earnestly trying in the first place to dissuade our ministers from laying the tax, by many very urgent arguments; and afterwards when it was layed, by endeavouring as strenuously to make the people there submit to it as a law, and attempt only to get it repealed by remonstrance, and not by riot and resistance, lest Great Britain should be so offended as to proceed against them by force, and subdue them as rebels, instead of regarding them as suffering subjects entitled to relief. In short, his conduct was such as should procure him lasting honor in both countries. For, in his situation he could not avoid giving true intelligence of what was passing, with his judgment of what was necessary in either event for our government to do; and considering the provocations he daily met with upon the spot, it is amazing that he should be so little animated with resentment in the sequel, very few men would have acted so humanely, so discreetly, so moderately, and withal so consistently and so firmly. But, notwithstanding all this, any Englishman must be disliked there in such a ferment and commotion,

commotion, who did his duty as a governor, and let his sovereign know the true state of things. The naming him, therefore in the protest, I cannot reconcile with humanity or political prudence.

This is all I shall say to you, G——, upon the stamp act, and think you had better have done with it too; for like some other matters of bad odor, the more it is stirred the more noisome it will become. However, I should not let you depart without reminding you that the Great commoner, whom you have so much traduced, always said to every body who came near him at the time, that all the plan talked of with regard to America was wrong, the nature of the tax, and the mode of laying it, and the jurisdiction for enforcing it; and that nothing but gout prevented his opposing the whole of it in parliament. You heard of this frequently; and therefore you should not let your penman have insinuated the contrary; as if no man declared against the measure whilst it was transacting, or then doubted about the right or the expediency of the measure.

You know also that the same discourse was held by the particular and avowed friend of this illustrious personage, I mean by the great lawyer who was then so much distinguished by the people, and has since been ennobled by the crown, for being the faithful assertor of lawful English liberty. This could not be done by him, it is true, in parliament,

liament, being no member, but his sentiments were as certainly known to you as the contents of the American petitions that were not received there. You plume yourself, therefore, very improperly upon "no one person having been then found, in either house, who would declare it to be his opinion that America was not in this instance to be *subject* to Great Britain," as you chuse, after all, most unwarrantably to phrase it. The popularity which the Great Commoner once had, and which you suppose he has now lost by being a peer, will never be extinguished, by maintaining that all British subjects should be represented in some way or other in order to be taxed, or by going from the one house of parliament into the other; unless his principles of government should be found to vary with his place; but, I presume both he and his great legal friend will show this nation with respect to these their local changes *Calum non animum mutant*, as most certainly the English settled in America have shown that those do not *qui trans mare currunt*. Therefore G——, do not let places and titles engross your attention, but look at measures and things, and when you find these ill-judged and arbitrarily pursued, withstand, oppose, attack, prosecute, impeach the authors as wrong-headed, violent men, and I will join even you in the cause. For to tell you the truth, I think the public should be very attentive to what is done, and very inattentive to the

actors: It matters not the nation whether this or that proud connection be offended by some little alteration in the post or profit of a friend, let ever so much private worth be thrown into the scale; and much less whether any great man will turn his back on a ministry, unless they engage to provide for his necessitous retinue. Every good man would undoubtedly wish that no such thing as faction, party or connexion subsisted at all, and that the worthiest of every denomination and inclining could be promoted, whether opulent or needy; but as political associations and cabals will not permit this, the public has great reason to be content when such measures are pursued as make for the general weal. Individuals must always take the consequence of their personal attachments; the state as such has no concern in the matter.

It is the common notion that our extraordinary minister whilst in office has been always inaccessible to mere visitors of whatever quality, and could never be talked with about places, nor seen on any private affairs; but that he was open at all times to any body of any condition, who had public business to transact or to speak about, and that he was upon these occasions the easiest and most agreeable man in the world to confer with. Now I cannot for my own part blame a real statesman for such reserve, or if you will distance, with respect to the mere men of fashion and birth, who neither

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think nor care about the state, nor have any thing but their own particular points to solicit. This being the case, I was surpris'd the other day to hear a very ingenious gentleman of a neighbouring island talk of the minister as utterly inapproachable, excepting by chosen spirits, and that these could only approach him with their supplications, covering their faces, like the angels of *Milton* who hide themselves with their wings before the deity. I enquir'd therefore seriously into the fact, and learned there was no foundation for it; and that probably it was no more than a sublime idea of a beautiful imagination. But I am rather, I confess, apt to suspect myself that it may really have been the singular effect of that particular awe and reverence which a bashful man always feels within himself, when he appears before the great, and may in this instance perhaps be only the genuine offspring of that native shamefacedness so very remarkable in this diffident young politician, heightened withal by the natural and innate modesty of the country from whence he comes. However, the sources of human error are so various, that I don't care to be positive in matters of this difficulty, and therefore I merely submit my opinion to your greater experience.

Before I fold up my letter, pray let me ask one question concerning the East India affairs. As you have *always of late* been so full of complaints about the size of the national

tional debt, I take it for granted what the world reports cannot be true. The rumor is that you are averse to the public's gaining any revenue from all the territories there that our people have taken hold of; nay, to the seeing whether the public that protected the company during the last war is not so far interested as to have a right to be apprized of the nature of the acquisitions. Now such a bruit astonishes me. For, if I understand right, this great company have traded exceedingly beyond their charter, and have likewise made the conquest of a vast rich and populous region; in either of which cases the state at large has a right to avail themselves of the event. Monopolies are to be carried no farther than the purposes of trade required; therefore the parliament, as the great inquisition of the nation should inquire into their proceedings, as they did some years ago into those of the *Hudsons Bay* company, and see whether any thing and what is proper to be done thereon, and give such advice upon the whole to the crown as they shall see fit. Indeed, as such a tract of territory is acquired, it behoves the public to look after it. It is certain that no Englishman can acquire any lands or territorial possessions by conquest, and hold them independant of the crown for their own benefit, for all such acquisitions will belong to the state, according to every writer upon these matters. Now, the common report is, that this thriving company,

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in consequence of many victories, and the dread of their arms, got possession of the immense tract in question, and then took a cession or grant of the whole revenue, force and usufruct thereof from a person whom they set up for the purpose as Emperor or Mogul, in consideration of a small stipend to be paid him. This emperor forsooth, being neither in possession of any dominions, nor having any more power or capacity of making resistance, or of denying them what they asked, or of resuming it again if the stipend was not payed, than myself. Now, do you think, or would you allow, that a grant to the Americans from the Pretender to hold of him in chief, paying 300l. a year, in lieu of all taxes and duties whatever to Great Britain, would be deemed a sufficient bar to parliaments interfering there? In short, the company have the entire command of the country ceded; its forces and revenues, and can do with the same whatever they please. And then the question is, whether this shall be considered as a mercantile purchase or acquist by mutual bargain and reciprocal treaty, or the fruit of arms and of terms imposed by conquerors through the terror of military force, and coercion over a naked and defenceless possessor and inhabitants. And though the determination be not difficult, I shall say nothing to it. Be it as it may, it is beyond a doubt that the parliament have a right to enquire, and the public to expect they

they should, into the conduct of such a prodigious monopoly as this, when whole provinces and extensive territories are obtained, and military expeditions carried on, which are not the ordinary means of commerce, or the business and concern of a trading company. Regions and wealth so acquired, by the sword, cannot be deemed the profits of traffic. In a word, the competency of a parliamentary inquiry, and the propriety of one, in such circumstances and where the object is of so much importance to the trade and shipping of the Britannic empire, cannot be denied. Every man is interested in it, and no friend to his country can oppose it. When the proceedings of the company in India are fully understood and ascertained, if any private rights come into dispute or questions on the legal import of words in a charter arise, it will be very easy for parliament to advise and direct their being argued and decided in the proper jurisdictions. God forbid that the private right or property of any individual, or any acquisitions of the company as a trading company should be invaded, much less taken from them. But if the revenues of this newly acquired dominion rightfully belong to the public and can be applied to the easing our national debt, will it not, G——, be an excellent thing? Is it not therefore, a great idea and a proper object for parliamentary examination? The inquiry will injure no private rights, nor deprive the company of any privileges

privileges they are intitled to by charter; but since they are British subjects, engage in wars, fight battles, make conquests and then treaties, and have the wealth of all the Indies almost at command, it is time surely for the government to which they belong to be informed of the nature of their proceedings. It seems to me to be as clear a case for the interposition of parliament as ever occurred in the course of time. And nothing but the envy of a luckless exploded financier, aided by jobbers and the *Jonathans* of the day could stir any opposition to so great and so promising an inquiry. The political opposers of the measure can only be afraid that too much glory will redound to the author of it; and the others that the profits of their gaming will be less; both being fully confident that great national benefit will and must be the consequence. Unhappy baneful spirits! The very directors and old proprietors of E. I. stock, desire the inquiry, knowing the affairs to be become of too great magnitude to be managed or preserved now, without the eye and hand of government itself. However a man who has once taken the part of opposing any inquiry as unjust and been beaten off it, can never afterwards be guilty of an equal absurdity; unless by shifting directly about, upon a notion that the government and the company are making a bargain, and thereupon declaring that he thinks in such case the *parliament* ought *publickly* to inspect most minutely

minutely their commerical affairs, and examine even into all their private debts and credits, as particularly as a fraudulent bankrupt's concerns are visited by his commissioners. At least such rare contrariety and beautiful variegated conduct will never be believed possible, until actually put in practice, even in political life. Wherefore my last words to you G——, shall be, as you tender your own reputation with the Commons of England at large, proceed no further, lest the public should think that their good and you must be for ever incompatible. To the exclusion of the Mahila ransom, the exclusion of Spanish bullion, and the disregard of Portugal gold, do not add a rejection, and possibly the total loss of the wealth of the Indies, but let this last for the sake of your country, and in spite of faction, be at least a national care. *Sat some vixisti.*

I am, &c.

RICHMOND,

Jan. 18, 1763.

F I N I S.

A. R. Smith Sep 15 1879 XL